

IN RE:

Clayton, Michael W & Clayton, Doris G

Debtor(s)

Case No. **10-15146**

Chapter **13**

**CHAPTER 13 PLAN**

☐ Original ☒ Amended Date: **April 11, 2011**.

**YOUR RIGHTS WILL BE AFFECTED.** You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this plan or any motion included below must file a timely written objection. This plan may be confirmed and the motions included below may be granted without further notice or hearing unless written objection is filed before the deadline stated on the separate Notice you should have received from the bankruptcy court. If you have a secured claim, this is notice that your lien may be voided or modified if you do not object to this plan.

**THIS PLAN DOES NOT ALLOW CLAIMS.** You must file a proof of claim to be paid under any plan that may be confirmed.

**1. PAYMENT AND LENGTH OF PLAN**

(a) Debtor shall pay \$ **132.50** per **month** to the Chapter 13 Trustee starting **7/10** for approximately **60** months.

☒ Debtor will pay directly to the trustee

☐ A payroll deduction order will issue to the Debtor's employer:

(b) Joint Debtor shall pay \$ **132.50** per **month** to the Chapter 13 Trustee starting **7/10** for approximately **60** months.

☒ Joint Debtor will pay directly to the trustee

☐ A payroll deduction order will issue to the Joint Debtor's employer:

(c) Other payments to trustee: Debtors will get credit for 4 payments totalling \$2,320 and begin making monthly payments of \$280.00 beginning 11/10 for 56 additional months.

(d) Total amount to be paid to Trustee shall be not less than \$ **17,976.20**.

**2. PRIORITY CLAIMS (INCLUDING ADMINISTRATIVE EXPENSES AND SUPPORT)**

All allowed priority claims will be paid in full unless creditor agrees otherwise:

Creditor	Type of Priority	Scheduled Amount
None		

**3. SECURED CLAIMS: MOTIONS TO VALUE COLLATERAL AND VOID LIENS UNDER 11 U.S.C. § 506**

(a) Debtor moves to value collateral as indicated in the "value" column immediately below. Trustee shall pay allowed secured claims the value indicated or the amount of the claim, whichever is less. The portion of any allowed claim that exceeds the value indicated shall be treated as an unsecured claim. Debtor moves to void the lien of any creditor with "NO VALUE" specified below.

Creditor	Collateral	Scheduled Debt	Value	Interest Rate	Monthly Payment
None					

(b) Debtor surrenders or abandons the following collateral. Upon confirmation, the stay is lifted as to surrendered or abandoned collateral.

Creditor	Collateral
1. Mazda American Credit	Mazda 3 Hatchback
2. 1 OneWest	800 Stenton Place, Ocean City New Jersey

**4. UNSECURED CLAIMS**

(a) **Not Separately Classified.** Allowed non-priority unsecured claims shall be paid:

☒ Distributed pro rata.

☐ Not less than **3.03** percent.

☐ Other: \_\_\_\_\_.

(b) **Separately Classified Unsecured Claims**

Creditor	Basis for Classification	Treatment	Amount
----------	--------------------------	-----------	--------

None

#### 5. CURING DEFAULT AND MAINTAINING PAYMENTS

(a) Trustee shall pay allowed claims for arrearages, and Trustee shall pay regular postpetition contract payments to these creditors:

Creditor	Collateral or Type of Debt	Estimated Interest Rate Arrearage (arrearage)	Monthly Arrearage Payment	Regular Monthly Payment
None				

(b) Trustee shall pay allowed claims for arrearages, and Debtor shall pay regular post petition contract payments directly to these creditors:

Creditor	Collateral or Type of Debt	Estimated Interest Rate Arrearage (arrearage)	Monthly Arrearage Payment	Regular Monthly Payment
Ford	2008 E 250	446.56	0	0
				Direct to Creditor

The Ford claim #6 on the claims register shall be treated as current and no payments on account of any arrearage shall be made through the plan. Ford Claims number 7 & 8 are current and debtor will make payments directly to the creditors.

- (c) 1. Payments to First Niagra, successor to Harleysville Bank, on claim numbers 21 & 22 are current and shall be paid directly to the creditor.
2. Payments to HSBC on claim number 19 are current and shall be paid directly to the creditor.

#### 6. EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Executory contracts and unexpired leases are assumed or rejected as follows:

Creditor/Lessor	Property Description	Assume/Reject
None		

#### 7. OTHER PLAN PROVISIONS AND MOTIONS

(a) Motion to Avoid Liens under 11 U.S.C. § 522(f). Debtor moves to avoid the following liens that impair exemptions:

Creditor	Collateral	Amount of Lien to be Avoided
None		

(b) **Lien Retention.** Except as provided above in Section 5, allowed secured claim holders retain liens until:

- ☒ Liens are released at discharge.
- ☐ Liens are released upon payment of allowed secured claim as provided above in Section 3.
- ☐ Liens are released upon completion of all payments under the plan.

(c) **Vesting of Property of the Estate.** Property of the estate shall revert in Debtor:

- ☒ Upon confirmation
- ☐ Upon discharge
- ☐ Other: \_\_\_\_\_.

(d) **Payment Notices.** Creditors and lessors provided for above in Sections 5 or 6 may continue to mail customary notices or coupons to the Debtor or Trustee notwithstanding the automatic stay.

(e) **Order of Distribution.** Trustee shall pay allowed claims in the following order:

Trustee Commissions  
Other Administrative Claims  
Priority Claims  
Secured Claims  
General Unsecured Claims

Dated: November 4, 2010

/s/ Alfred Abel, Esq.  
Signature of Attorney

/s/ Michael W Clayton

Signature of Debtor

/s/ Doris G Clayton

Signature of Spouse (if applicable)